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REGULAR MEETING
CITY COUNCIL
OCTOBER 2, 2003

ROLL CALL:

MR. WOJCIK, MR. FOY, MR. JUDGE, MR. DORAN, MRS. COLLIER, MR. LaPOSTA, MR. ARMET, PRESIDENT TUTUNJIAN **ABSENT:** MRS. WELCOME

PUBLIC FORUM: List of Speakers on file

RESOLUTION NO. 1

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

RESOLUTION TO ENACT LOCAL LAW NO. 4 – 2003

WHEREAS, a public hearing was held the 2nd day of October, 2003 by the City Council of the City of Troy, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the General City Law of the State of New York;

WHEREAS, at said public hearing the City Council considered the enactment of proposed Local Law No. 4 – 2003, entitled A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE CITY OF TROY INTO A MUNICIPAL CODE TO BE DESIGNATED THE ‘CODE OF THE CITY OF TROY; and

WHEREAS all interested persons were given an opportunity to be heard with respect to the enactment of said local law;

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 4 – 2003 be enacted as follows:

RESOLUTION NO. 1 – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

LOCAL LAW NO. (INTRO NO. 4)

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

LOCAL LAW (INTRO NO. 4) FOR THE YEAR 2003 TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE CITY OF TROY INTO A MUNICIPAL CODE TO BE DESIGNATED THE “CODE OF THE CITY OF TROY”.

LOCAL LAW (INTRO No. 4) PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

LOCAL LAW NO. (INTRO NO. 5)

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL PRESIDENT TUTUNJIAN

LOCAL LAW NO (INTRO #5) FOR THE YEAR 2003 TO AMEND THE charter of the City of Troy.

LOCAL LAW (INTRO No. 5) PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 1

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER JUDGE

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT TO ENABLE THREE GRIFFINS REALTY TO CONSTRUCT A DECK ON THE CITY’S PROPERTY

The City of Troy, convened in City Council, ordains as follows:

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Section 1. Pursuant to Section 5.51 of the Troy City Charter the City Council herein determines that part of the City owned land immediately to the rear of 403 River St. is no longer needed for City purposes.

Section 2. The Mayor, on behalf of the City of Troy, is hereby authorized to execute a document granting an easement to Three Griffins Realty to construct a deck on its property at 403 River Street until such time as the City, via Council legislation, revokes said easement.

Section 3. The purchase price for the easement shall be the fair market value of the lands transferred, as determined by the City Assessor.

Section 4. This Act shall take effect immediately.

Approved as to form, September 11, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 1 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 2

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE TO AMEND THE CAPITAL PLAN TO SUPPORT A DEMONSTRATION PROJECT TO
DISPOSE OF THE SLUDGE FROM THE LAGOONS AT THE WATER FILTRATION PLANT**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Capital Fund is hereby amended as provided in Schedule “A” entitled

“Capital Fund 2003 Transfer”

which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized to contract with Fane for the use of machinery, equipment and operators in furtherance of the demonstration project, so long as the total expenditures for such do not exceed the funds appropriated.

Section 3. This act shall take effect immediately.

Approved as to form, September 10, 2003

ORDINANCE NO. 2 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 3

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER JUDGE

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RENSSELAER
COUNTY FOR “WEED AND SEED” FUNDS AND MODIFYING THE CAPITAL PROJECT TO
ACCOUNT FOR THE FUNDS**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Mayor, on behalf of the City of Troy, is herein authorized to execute an agreement with Rensselaer County to receive reimbursement for up to \$8,200 in expenses the City incurs for the demolition of a vacant city-owned building at 9 Hutton Street

Section 2. The capital project account is hereby modified to recognize the additional revenue as set forth in the attached Schedule A entitled “Code Enforcement A3620”.

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Section 3. The Mayor is herein authorized and directed to comply with the provisions of the City's procurement policy in soliciting contracts for goods and services, including professional services, to carry out the project referred to herein. After complying with the provisions of the City's procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the project, but only if the city's financial obligations under said contracts are consistent with the appropriations herein made.

Section 4. This act shall take effect immediately.

Approved as to form, September 10, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 3 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 4

INTRODUCED BY: COUNCIL MEMBER ARMET

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO APPROVE AN INTERFUND TRANSFER
AND TO ESTABLISH A SPECIAL GRANT FUND TO ADMINISTER THE LOCAL LAW
ENFORCEMENT BLOCK GRANT**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. There is herein approved an interfund transfer from A3120-303-0000 to A9950-0900-0000 as set forth in the attached Schedule A entitled "Interfund Transfer"

Section 2. There is herein established a 2003 special revenue account for receipt of the Federal Local Law Enforcement Block Grant (LLEBG) for 2003 and funds from that account shall be appropriated for purchase of equipment and law enforcement technology as set forth in Schedule A entitled

**SPECIAL GRANT FUND PROJECT
LOCAL LAW ENFORCEMENT BLOCK GRANT 2003**

which is attached hereto and made a part hereof.

Section 3. This act will take effect immediately.

Approved as to form, August 18, 2003.

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 4 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 5A – IN COMMITTEE FROM 9/3/03 MTG.

ORDINANCE NO. 5B – IN COMMITTEE FROM 9/3/03 MTG.

ORDINANCE NO. 6

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY –
MONIQUE BOYCE**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

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“MONIQUE BOYCE IN THE AMOUNT OF
TWO THSOUSAND ONE HUNDRED FOUR AND 11/100 DOLLARS
(\$2,104.11)

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, September 11, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 6 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 7

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER FOY

ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST CITY OF TROY –

EDWARD & PAUL GOLDEN

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

“EDWARD GOLDEN AND PAULA GOLDEN IN THE AMOUNT OF
ONE THOUSAND SEVEN HUNDRED THIRTY AND 10/100 DOLLARS
(\$1,730.01)”

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft as outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, September 11, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 7 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 8

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER JUDGE

ORDINANCE AUTHORIZING SETTLEMENT OF CLAIM AGAINST –

JUDY BELL

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City Council of the City of Troy, New York hereby approves the following claim against the City of Troy in the amount indicated:

“JUDY BELL IN THE AMOUNT OF
TEN THOUSAND AND 00/100 DOLLARS
(\$10,000.00)”

Section 2. The above compromise is approved and ratified in accordance with Local Law No. 1 for the year 1964.

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Section 3. The Comptroller be and hereby is authorized and directed to make, issue and countersign a draft a outlined above, said sum to be payable out of the Judgments and Claims Account.

Approved as to form, September 24, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 8 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 9(a)

INTRODUCED BY: COUNCIL MEMBER WOJICK

MOTION TO AMEND: COUNCIL MEMBER JUDGE

MOTION SECONDED: COUNCIL MEMBER FOY

Motion Passes – Unanimous

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDING INSTITUTED BY A
PROPERTY OWNER LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT ROLL OF
THE CITY OF TROY**

The City of Troy, in City Council, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle a certiorari proceeding instituted by the following taxpayer as provided in a certain stipulation on file with the office of the Corporation Counsel:

Anthony Behan

101.45-7-8

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulation for the settlement of the proceeding and the order based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare a new tax bill in the proper form based on the above referenced assessment and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulation and Order said tax roll shall be adjusted accordingly and the necessary refund will be made to the respective property owner.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 6, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 9a PASSED – AYES 7 NOES 1 (Noes: Tutunjian)

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 9(b)

INTRODUCED BY: COUNCIL MEMBER WOJICK

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI PROCEEDING INSTITUTED BY A
PROPERTY OWNER LOCATED IN THE CITY OF TROY AND ON THE ASSESSMENT ROLL OF
THE CITY OF TROY**

The City of Troy, in City Council, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle a certiorari proceeding instituted by the following taxpayer as provided in a certain stipulation on file with the office of the Corporation Counsel:

Frances Bruno

111.28-8-1. /1

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Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulation for the settlement of the proceeding and the order based on said stipulation and shall authorize the City Treasurer of the City of Troy to prepare a new tax bill in the proper form based on the above referenced assessment and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulation and Order said tax roll shall be adjusted accordingly and the necessary refund will be made to the respective property owner.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, October 6, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 9(b) PASSED – AYES 7 NOES 1 (Noes: Tutunjian)

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 9(C)

MOTION TO TABLE

INTRODUCED BY: COUNCIL MEMBER JUDGE

SECONDED BY: COUNCIL MEMBER FOY

MOTION PASSES – UNANIMOUS

ORDINANCE NO. 10

INTRODUCED BY: COUNCIL MEMBER TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AMENDING THE FIFTH AVENUE PARKING GARAGE ACCOUNT TO
APPROPRIATE AN ADDITIONAL SUM TO COMPLETE THE PROJECT**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The Capital Fund is hereby amended as provided in Schedule “A” entitled
“Capital Fund 2003 Transfer”

which is attached hereto and made a part hereof.

Section 2. The Mayor is herein authorized and directed to comply with the provisions of the City’s procurement policy in soliciting contracts for goods and services, including professional services, to complete the project referred to herein. After complying with the provisions of the City’s procurement policy, the Mayor is herein authorized and directed to sign any and all contracts necessary to complete the project, but only if the city’s financial obligations under said contracts are consistent with the appropriations herein made.

Section 3. This act shall take effect immediately.

Approved as to form, September 10, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 10 PASSED – AYES 7 ABSTENSION 1 (Abstained: Tutunjian)

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SCHEDULE “A” ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 11

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER JUDGE

**ORDINANCE AMENDING THE 2003 CITY BUDGET TO AUTHORIZE THE TRANSFER OF FUNDS
TO MODIFY APPROPRIATIONS WITHOUT ADDITIONAL APPROPRIATIONS**

The City of Troy, convened in City Council, ordains as follows:

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Section 1. The 2003 City Budget is hereby amended to provide for the transfer of funds as provided in Schedule "A" entitled

Comprehensive Interim Budget Amendment

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, September 29, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 11 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SCHEDULE "A" ATTACHED TO MINUTES - SEE SUPPORT DOCUMENTATION WITH LEGISLATION

ORDINANCE NO. 12

INTRODUCED BY: COUNCIL MEMBER ARMET

SECONDED BY: COUNCIL MEMBER FOY

**ORDINANCE AMENDING THE 2003 BUDGET TO DELETE FUNDING FOR THE POSITION OF
POLICE COMMISSIONER AND ONE POLICE CAPTAIN (VACANT)**

The City of Troy, convened in City Council, ordains as follows:

Section 1. The 2003 City Budget is hereby amended as follows:

Major/Minor Code	Description	January 1, 2003	Change	October 2, 2003
A3120-101	Police Commissioner	\$75,000	(\$75,000)	\$ 0
A3120-101	Police Captain (vacant)	\$62,745	(\$62,745)	\$ 0

Section 2. The City Council hereby authorizes any and all balances from the above accounts be transferred to Contingency Code A1990 – 418.

Section 3. This Act shall take effect immediately.

Approved as to form, October 2, 2003

Patrick T. Morphy, Corporation Counsel

ORDINANCE NO. 12 PASSED – AYES 6 NOES 2 (Noes: LaPosta, Doran)

To Mayor, 10/6/03 for Executive Action – Vetoed, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 2

INTRODUCED BY: COUNCIL MEMBER JUDGE

SECONDED BY: COUNCIL MEMBER FOY

**RESOLUTION ELIMINATING ANY FEE FOR MARKING A HANDICAPPED PARKING PLACE IN
FRONT OF A RESIDENT'S HOME WHO DESIGNATES ELIGIBILITY TO PARK IN SUCH PLACE**

WHEREAS, the City of Troy has been charging persons eligible for handicapped parking signs a fee to defer the cost of labor and materials to erect said signs; and

WHEREAS, the City of Troy determines that said fee is not in keeping with the spirit of the Americans with Disabilities Act;

NOW THEREFORE, BE IT RESOLVED, that the City of Troy will continue to designate a handicapped parking place in front of any city resident's home after that resident shows proof satisfactory to the City that they are entitled to park in a handicapped only designated parking place; and

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BE IT FURTHER RESOLVED, that from the date of this legislation becomes law, the City shall not require any fee be paid for labor and/or materials to mark such designation; and

BE IT FURTHER RESOLVED, that this legislation shall become effective November 1, 2003.

Approved as to form September 24, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 2 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 3

INTRODUCED BY: COUNCIL PRESIDENT TUTUNJIAN

SECONDED BY: COUNCIL MEMBER FOY

RESOLUTION APPOINTING COMMISSIONERS OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons Commissioners of Deeds for the City of Troy for a two year term commencing October 3, 2003 through October 2, 2005:

Stacy L. Slagen	51 State Street
Donald Hourigan	132 Maple Avenue
George Reischuck	2001 Tibbits Avenue
Laura A. Schindler	43 First Street
Helen F. Cohen	Congress & Second Sts.
Karen Gorleski	RD #3, Box 166D
Nancy DeBell	1920 Highland Avenue
Richard Mason	2 Hialeah Drive
Donna Martin	2215 Burdett Avenue
Mary McLoughlin	8 – 109 th Street
Peter Marks	9 – 117 th Street
Jane H. Drewecki	195 Second Street
Paul E. O'Melia	53 Oil Mill Hill Rd.

Approved as to form, September 17, 2003

Patrick T. Morphy, Corporation Counsel

RESOLUTION NO. 3 PASSED – UNANIMOUS

To Mayor, 10/6/03 for Executive Action – Approved, Returned 10/21/03

SEE SUPPORT DOCUMENTATION WITH LEGISLATION